

Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

OIC-02 /068 R

DRAFTED BY USOAS;TETAYLOR/CD

APPROVED BY ARA - WILLIAM D. ROGERS

L/ARA:DAGANTZ

USOAS:FMCNEIL

USOAS:WSMAILLIARD

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R 062322Z JUN 75

FM SECSTATE WASHDC

TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

USCINCSO

XMT AMEMBASSY GEORGETOWN

AMEMBASSY NASSAU

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E.O. 11652: N/A

TAGS: PFOR, OAS

SUBJECT: PREPARATIONS FOR SAN JOSE CONFERENCE (RIO TREATY)

REFERENCE: STATE 124234

SUMMARY: THE SAN JOSE CONFERENCE OF PLENIPOTENTIARIES WILL SEEK TO DRAW UP AND SIGN A PROTOCOL OF AMENDMENT TO THE RIO TREATY. WHILE THE WORK IS WELL ADVANCED, THERE ARE PROBLEMS. THIS CABLE SETS FORTH THE PRINCIPAL ISSUES AND REQUESTS EMBASSIES TO EXPLAIN U.S. POSITIONS AND SOLICIT VIEWS. END SUMMARY.

1. BY WAY OF BACKGROUND, THE POSTS ARE REQUESTED TO STUDY
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BEFORE GOING IN TO THE FOREIGN MINISTRIES STATE A-97 OF

JANUARY 8, 1975, AND RELEVANT PORTIONS OF STATE A-2977 OF
APRIL 29, 1975.

2. THE FOLLOWING ARE THE TREATY ARTICLES WHICH ARE LIKELY
TO PRODUCE CONTENTION IN COSTA RICA:

A. ARTICLE 2. BRAZIL HAS ADDED ITS NAME TO THE LIST
OF COUNTRIES WHO HAVE PROBLEMS WITH THIS ARTICLE. APPAR-
ENTLY BRAZIL, LIKE CHILE AND URUGUAY, WOULD LIKE TO RETAIN
THE EXPLICIT STATEMENT IN THE PRESENT TREATY THAT INTER-
AMERICAN PEACEFUL SETTLEMENT PROCEDURES SHALL BE USED BEFORE
RPT BEFORE RECOURSE TO THE UN. THE SPECIAL COMMITTEE'S
RECOMMENDED LANGUAGE FUZZED THE QUESTION OF PRIORITY. WE
WOULD PREFER THE PRESENT LANGUAGE BUT HAVE ACQUIESCED IN
THE CHANGE.

B. ARTICLE 2 (BIS). ONLY THE U.S. OPPOSED THIS
ARTICLE ON COLLECTIVE ECONOMIC SECURITY. FOR REASONS SET
FORTH IN A-97, WE CONTINUE TO OPPOSE IT.

C. ARTICLE 3 WILL PROBABLY OFFER TWO PROBLEMS.
BRAZIL AND PERHAPS OTHERS MAY SEEK TO RETAIN THE EXISTING
COVERAGE OF ALL AMERICAN STATES, REGARDLESS OF WHETHER THEY
ARE SIGNATORIES. WE ARE HAPPY WITH THE PRESENT LANGUAGE
BUT FIND THE LEGAL ARGUMENTS FOR CHANGE PERSUASIVE. (A-97,
P. 8). THE SECOND, MORE SERIOUS PROBLEM LIES IN THE AMBI-
GUITIES WHICH HAVE BEEN INTRODUCED CONCERNING THE OBLIGA-
TORY CHARACTER OF THE QTE ATTACK AGAINST ONE IS AN ATTACK
AGAINST ALL UNQTE PRINCIPLE IN CASE OF ATTACK FROM OUTSIDE
THE HEMISPHERE. WE WILL SEEK TO ELIMINATE THIS AMBIGUITY,
POSSIBLY BY REVERTING TO THE ORIGINAL LANGUAGE. WE KNOW
THAT BRAZIL, URUGUAY, CHILE AND PROBABLY OTHERS SHARE OUR
DESIRE THAT SUCH ATTACKS BE CLEARLY INCLUDED. ON THE
OTHER HAND, PERU WANTS TO GO FURTHER. PERU WOULD SIMPLY
ELIMINATE EXTRA-CONTINENTAL COVERAGE; PANAMA AND MEXICO
(AND PERHAPS VENEZUELA?) HAVE SOME SYMPATHY FOR SUCH A
MOVE WHICH WOULD WEAKEN THE TREATY'S EFFECTIVENESS AS A
DETERRENT AGAINST AGRESSION EMANATING FROM OUTSIDE THE
HEMISPHERE.

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D. ARTICLE 6, PERHAPS THE TREATY'S MOST IMPORTANT,
ALREADY HAS A FAULKNERIAN OPAQUENESS ABOUT IT. THE
SPECIAL COMMITTEE'S MINISTRATIONS HAVE CONSIDERABLY COM-
PLICATED IT. OUR MAIN CONCERN IS 1) TO RETAIN THE ABILITY
OF THE ORGAN OF CONSULTATION TO MEET AND ACT IN CASES OF
CONFLICT SHORT OF ARMED ATTACK AND 2) TO MAKE SUCH ACTION
POSSIBLE IF THERE IS A THREAT TO PEACE AND SECURITY ANY-
WHERE IN THE HEMISPHERE, WHETHER IN A MEMBER COUNTRY

OR NOT. THE COMMITTEE LANGUAGE IS ACCEPTABLE, THOUGH WE WOULD LIKE TO IMPROVE IT. MEXICO, EL SALVADOR, BRAZIL, TRINIDAD, VENEZUELA, PERU AND PANAMA OPPOSED OR ABSTAINED ON THE PROPOSED LANGUAGE.

E. ARTICLE 8. MEXICO, ARGENTINA, BRAZIL, VENEZUELA, PERU, AND PANAMA OPPOSED OR ABSTAINED. WE FIND THE NEW LANGUAGE ACCEPTABLE.

F. ARTICLE 9, DEFINITION OF AGGRESSION, SEEMS GENERALLY ACCEPTABLE. THE EXCEPTION CONCERNS A SALVADORAN PROPOSAL WHICH DIVIDED THE COMMITTEE FAIRLY EVENLY. THE

COMMITTEE'S LIST OF EXAMPLES OF AGGRESSION INCLUDES QTE THE BLOCKADE OF THE PORTS OR COASTS OF A STATE BY THE ARMED FORCES BY ANOTHER STATE. UNQTE EL SALVADOR PROPOSED ADDING QTE AS WELL AS ANY OTHER ACT OF A SIMILAR NATURE THAT PREVENTS LAND OR AIR COMMUNICATIONS AND ENDANGERS THE SECURITY OF THE LATTER. UNQTE PARAGUAY AND BOLIVIA WARMLY SUPPORTED THIS; AND ECUADOR, THE DOMINICAN REPUBLIC, COLOMBIA, HAITI, URUGUAY AND COSTA RICA ALSO VOTED FOR IT. HONDURAS OPPOSED IT; PANAMA AND PERU DID NOT PARTICIPATE IN THE VOTE; AND THE OTHER TEN COUNTRIES ABSTAINED. (ABSTENTION IS A POLITE NO IN THE OAS, WHERE AN AFFIRMATIVE MAJORITY OF ALL MEMBERS IS REQUIRED.)

G. ARTICLE 17, MAKING IT POSSIBLE TO LIFT SANCTIONS BY A SIMPLE MAJORITY. ONLY PARAGUAY AND BOLIVIA ARE KNOWN TO BE RECALCITRANT. CHILE (AND PERHAPS EVEN URUGUAY) COULD REVERSE THEMSELVES BECAUSE OF THE PUBLICIZED CONNECTION WITH THE CUBAN ISSUE.

3. ACTION REQUESTED: PLEASE DISCUSS THE SAN JOSE CONFERENCE LIMITED OFFICIAL USE

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ENCE WITH APPROPRIATE OFFICIALS OF THE HOST GOVERNMENT. YOU MAY DRAW UPON THIS CABLE AS WELL AS A-97 AND A-2977 FOR GIVING U.S. POSITIONS.

4. EMPHASIZE TO HOST GOVERNMENTS, AS APPROPRIATE:

A. OUR INTEREST IN AN ARTICLE 3 THAT IS CLEARLY APPLICABLE TO ARMED ATTACKS FROM OUTSIDE THE HEMISPHERE.

B. OUR CONTINUED OPPOSITION TO INTRODUCTION OF COLLECTIVE ECONOMIC SECURITY INTO THE TREATY. (REPORT ANY SUGGESTION BY HOST GOVERNMENT OFFICIALS THAT IT MIGHT BE MOVED TO THE PREAMBLE.) FYI. PUTTING IT IN THE PREAMBLE MIGHT, DEPENDING ON THE WORDING, BE ACCEPTABLE TO US BUT WE DO NOT WISH TO DISCLOSE THIS NEGOTIATING CARD JUST YET.

END FYI.

C. OUR BELIEF THAT THE CHANGE TO PERMIT LIFTING SANCTIONS BY MAJORITY VOTE WOULD CORRECT AN OBVIOUS FLAW IN THE TREATY. NO MATTER WHAT IS DONE WITH RESPECT TO ARTICLE 17, THE TWO-THIRDS REQUIREMENT FOR QTE DECISIONS UNQTE BY THE TREATY'S ORGAN OF CONSULTATION WILL STILL BE VALID UNTIL THE PROTOCOL OF AMENDMENT COMES INTO EFFECT.

5. WE ARE INTERESTED IN OBTAINING MORE INFORMATION ON HOW OTHER GOVERNMENTS SEE THE SAN JOSE CONFERENCE, BOTH GENERALLY AND ON SPECIFICS OF THE PROPOSED CHANGES TO THE RIO TREATY.

6. IF HOST COUNTRY OFFICIALS RAISE THE CUBA SANCTIONS ISSUE, PLEASE TELL THEM WE EXPECT THAT, ONCE A PROTOCOL OF AMENDMENT HAS BEEN CONCLUDED, THE DELEGATES MAY WELL CONSIDER THE SANCTIONS QUESTION. WE HOPE, AS THE SECRETARY INDICATED AT HOUSTON, THAT A GENERALLY ACCEPTABLE SOLUTION CAN BE FOUND. (LATER, AS MATTERS DEVELOP, WE WILL SEND INSTRUCTIONS ON THIS ISSUE.)

7. FOR BRIDGETOWN AND KINGSTON: WHILE IT HAS NOT YET BEEN DETERMINED, BARBADOS, GRENADA, AND JAMAICA, AS OAS MEMBERS WHO ARE NOT RIO TREATY SIGNATORIES, WILL PROBABLY BE INVITED AS OBSERVERS WITH VOICE BUT NO VOTE, FOLLOWING THE PRECEDENT OF THE QUITO MEETING. IT MIGHT NEVERTHELESS BE USEFUL TO OBTAIN THE VIEWS OF THESE GOVERNMENTS IF THEY PLAN TO GO TO SAN JOSE. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETING AGENDA, BRIEFING MATERIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE133032
Document Source: CORE
Document Unique ID: 00
Drafter: CD
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750199-1016
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750672/aaaacnzo.tel
Line Count: 204
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 124234
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 03 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 SEP 2003 by BoyleJA>; APPROVED <03 SEP 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PREPARATIONS FOR SAN JOSE CONFERENCE (RIO TREATY)
TAGS: PFOR, XX, OAS, SAN JOSE
To: ALL POSTS MULTIPLE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006